IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REFERENCE NO. 3 OF 2004

S. M. Patre, IInd Jt. Civil Judge,
J.D.,Solapur. ... ...

Versus

Vithan Anantrao Randive.. ... ... Contemnor.

Mr. V.A.Randive, Contemnor present-in-person.

Mrs. P.H.Kantharia, Addl.P.P. for State.

Mr. S. N. Bhosale for Respondent No.1.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 25TH JULY, 2006.

P.C. :

Not on Board. At the request of the Additional Public Prosecutor and the Counsel for the Contemnor, criminal reference is taken up for hearing and final disposal.

2. At the outset, the Counsel for the respondent handed in apology of the Contemnor, marked "X" for identification purposes.

3. Mr. V. A. Randive (Contemnor) is the Editor, Printer and Publisher of the fortnight paper "Masharashtra Lokmanas" published from Solapur. In its

edition of 1st February, 2004 to 15th February, 2004 an article was published that Shri S. M. Patre, II Ad-hoc Additional Civil Judge has given one sided judgment blindly without application of mind and the judgment given by him is no justice. The article published in the paper had a statement such as "Nyaydhish Zukta hai, Zukanewala Nabiyar Chahiye". We have no hesitation in holding that the article published in the edition of the paper Maharashtra Lokmanas dated 1st February, 2004 to 15th February, 2004 is contemptuous and scandalized the Court.

4. Having held so, the next question that arises for our consideration is what order should be passed. The Contemnor has tendered apology. The said apology reads thus:

> "I, Shri Vithal Anantrao Randive, Editor, Printer and Publisher of the fortnight paper "Maharashtra Lokmanas" do hereby tender my unqualified unconditional bonafide and sincere apology to this Honourable Court for publishing contemptuous article in the fortnight issue dated 01-15 February, 2004 of "Maharashtra Lokmanas".
>
> I undertake to publish my apology in the issue of 15-30 August, 2006 edition, draft of article to

be published is annexed hereto for your Lordships perusal and approval which is marked as article 'X'."

5. The draft of article that the Contemnor shall publish in the issue of 15-30 August, 2006, on translation in English reads thus:

"APOLOGY TO THE GODDESS OF JUSTICE

I repent for the contents which were published in the fortnightly "Maharashtra Lokmanas" dated 1-15 February 2004 about the Honourable Judge Shri Patre Saheb and Honourable Judge Shri Vakil Saheb.

The contents in the said issue were based on misunderstanding and all emotional outburst and I feel extremely sorry about the written contents.

I feel regret and remorse about the writing. I sincerely beg pardon of the Hon'ble High Court about the said writings. Similarly, I tender my unqualified, unconditional apology of the Hon'ble Judges and the Hon'ble Court. Similarly I am expressing sorrow for the mistake which was committed inadvertently and in the fit of emotional outburst, I will take precaution and care from the

bottom of my heart to see that such mistake which is committed out of rashness and intemperance will not be repeated.

I, therefore, beg your pardon to excuse me. I am publishing the said feeling of sorrow in the fortnightly issue dated 15th August, 2006 under the caption "Apology of the Goddess of Justice."

6. The apology of the contemnor is unqualified and unconditional. It appears to us to be bonafide and sincere as well. The contemnor is repentant for his contemptuous act.

7. We, accordingly, accept the unqualified and unconditional apology tendered by the contemnor - Vithal Anantrao Randive and are satisfied that no further order needs to be passed in the matter.

8. Criminal Reference is disposed of, accordingly.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)